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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,971	08/09/2001	Michael G. Nathans	9520-002-64	3150
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DLA PIPER US LLP ATTN: PATENT GROUP 1200 NINETEENTH STREET, NW WASHINGTON, DC 20036			EXAMINER TINKLER, MURIEL S	
			ART UNIT	PAPER NUMBER
			3691	
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			06/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	09/924,971		NATHANS ET AL.	
	Examiner		Art Unit	
	Muriel Tinkler		3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/26/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been reviewed. Claims 1-20 are pending. Claims 9-17 have been withdrawn and Claims 19 and 20 are new. Claims 1-8 and 18-20 have been evaluated and the rejection(s) are stated below.

Response to Arguments

1. Applicant's arguments filed March 29, 2007 have been fully considered but they are not persuasive. The Applicant argues, "The Office Action relies on Walker at page 3, for this teaching. However, the cited passage of Walker discusses a Maximum Debt Burden Offer and determines a total monthly debt payment, based on data from a monthly credit report... This information is not past payment information, but rather is information concerning payments that are due in the future." The Examiner disagrees Walker discloses the use of past payment data on page 8 as lines 28-36, as discloses in the Office Action mailed on December 29, 2006 on page 3. In particular, Walker discloses, "An applicant's **good credit experience**, monthly income and monthly debt payments... are systematically evaluated upon transmission of credit request." The Applicant further argues, Walker did not refer to payment data from a credit bureau and that credit bureaus typically do the report information from payment processors but rather from payees. The Examiner notes the use of 35 USC 103 in the application and refers to Weatherly. Weather teaches the use of a computer to store information for housing lease agreements on page 2 and lines 20-29.

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2. Applicant's arguments with respect to claims 19 and 20 have been considered but are moot in view of the new ground(s) of rejection. Claims 19 and 20 are new and therefore will require new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 4, 5, 6, 8, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et. al. (US 6,088,686) in view of Weatherly et. al. (US 6,049,784).

7. Claim 1 discusses a system for collecting and distributing credit information comprising: a repository database having stored therein credit information related to

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residential housing credit payments made by a plurality of consumers; a repository management computer connected to the repository database, the repository management computer being configured to input residential housing credit payment data pertaining to a plurality of consumers from a payment processor computer and to store the residential housing credit payment data in the repository, the repository management computer being further configured to release credit information from the repository database for a particular consumer to an authorized residential housing credit provider upon receiving a request from the authorized residential housing credit provider and a corresponding authorization from the particular consumer. Walker discloses on page 3 and lines 20-22 of the specification, "The present invention provides an expeditious manner in which consumer retail branches can provide an immediate credit evaluated response." Walker discloses on page 8 and lines 28-36, "An applicant's good credit experience, monthly income and monthly debt payments (incorporating estimated monthly payment associated with the newly requested debt) are systematically evaluated upon transmission of credit request... This process primarily uses monthly credit bureau information, including mortgage payments." Walker does not specifically discuss using this database for residential housing credit payment information or obtaining approval from the consumer. Weatherly teaches using a computer to store information for housing lease agreements and obtaining approval from the lessee on: page 2 and lines 20-29, "Preferably, the method for creating and managing a lease agreement includes the step of entering data relevant to the lessee, the lessor, the lease agreement and the service product into a computer preprogrammed for account

control. It is further preferred that the present invention include the step, to be performed upon acceptance of the service product by the lessor and the lease agreement by the lessee and the lessor, as well as the lease control intermediary, of monitoring periodic lease payment activity by the lessee using the computer"; and on page 3 and lines 50-52 of the specification, "This embodiment of the invention is particularly useful for housing arrangements such as rental apartments and rental houses." Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Walker's retail credit database according to Weatherly for use in credit checks for retail housing agreements the expedite the credit checks and obtain preliminary approvals for credit.

8. Claim 4 discusses the system of claim 1, wherein the repository management computer is connectable to receive card reader data and configured to require that data received from the card reader match card data associated with the particular consumer before releasing credit information to the residential housing credit provider. Claim 1 has been rejected based on the discussions above. Walker discusses on page 1 and lines 55-66 of the specification, "The present invention is therefore directed to the problem of developing a method and system for performing credit and liability reviews that provide an interface to service bankcard products." Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to process data from a card to allow payments to me made right away.

9. Claim 5 discusses the system of claim 1, wherein the credit information is released in the form of a score based at least in part upon the payment data. Claim 1

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has been rejected based on the discussions above. Walker discloses on page 14 and lines 47-52 of the specification, "Using parameters and rules configured on Product Maintenance-8 (PM8) (shown in FIG. 9), a scoring response code is assigned to the application (FIG. 42 block 2052). If this score is less than or equal to the turndown cutoff value (YES branch from block 2054), the application status is changed to "RT"-- Recommend Turndown." Therefore it would have been obvious to a person having ordinary skill in the art to implement a scoring procedure for the credit database to make it easier to process a pass/fail for the consumer.

10. Claims 6 and 8 discuss the system of claims 1 and 5, wherein the score is further based at least in part on retail credit data. Claims 1 and 5 have been rejected based on the discussions above. Walker discloses on page 2 and lines 16-20, "According to the present invention, specifically for credit requests, the system immediately analyzes an applicant's credit bureau history, automated credit scoring, credit policies and the applicant's new or existing relationship with the financial institution, if any, and provides these results to the LBR in a summarized format." Therefore it would have been obvious to a person having ordinary skill in the art to use retail credit data to determine score because it give a more accurate history of the clients overall credit worthiness.

11. Claim 19 discusses the system of Claim 1, wherein actual payment dates and amounts for a plurality of payments are stored in the repository. Walker does not disclose this. Weather teaches this in column 3 and lines 14-45, "It is further preferred that the step of monitoring periodic lease payment activity includes entering account information regarding the lessee, the lessor, the lease agreement and the service

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product into a computer; noting dates associated with actual payments and expected payments; designating accounts with payments past due for five days..." Therefore, it would have been obvious to a person having ordinary skill in the art at the time the application was made to modify Walker to include actual payment dates and amounts of payments made to provide a more detailed description of events occurring.

12. Claim 20 discusses the system of Claim 19, wherein credit information released to the third party includes the actual payment dates and amounts for the plurality of payments stored in the repository. Claim 19 has been rejected based on the discussion(s) above. Weather further teaches the information in Claim 20 in column 4 (lines 12-33, "...tenant provides financial institution with the required information to perform credit check and other financial information necessary...") and column 6 (lines 24-63, "... generate a letter to the landlord...").

13. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and Weatherly as applied to claim 1 above, and further in view of DeFrancesco et. al. (US 6,587,841).

14. Claims 2 and 3 discuss the system of claim 1, wherein the repository management computer is configured to require a password and personal identification number from the particular consumer before releasing the credit information. Claim 1 has been rejected based on the discussions above. Walker and Weather discuss the information in claim 1. Walker and weather do not specifically discuss using a password and personal identification number on the computer. DeFrancesco teaches the use of a password and pin number for a computer implemented automated credit application

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system on page 8 and lines 30-33 of the specification, "It is an object of the present invention to provide a centralized enrollment and billing process, that is, a process for activating and enrolling a dealer, bank, or other user, with a password and ID."

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the credit system used by Walker and Weatherly by using DeFancesco's pin and password protection because it will help prevent identity theft.

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, Weatherly, and DeFancesco as applied to claim 6 above, and further in view of Fletcher et. al. (US 6,112,190). 10. Claim 7 discusses the method of claim 6, wherein the housing credit data is more heavily weighted than the retail credit data. Claim 6 has been rejected based on the discussions above. Fletcher teaches weighting values to determine the eligibility of a loan on page 3 and lines 1-3 of the specification, "It is a further object of the present invention to use automatically an evidence tree analysis method with weights for different nodes and factors in the evidence tree." Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to weight the various factors of the application and that housing credit data should be more heavily weighted than retail data because the database is for use in housing credit data and weighting the elements of the application will allow for a more accurate evaluation of the potential for housing payments.

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16. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and Weatherly as applied to claim 1 above, and further in view of Johnson (US 6,527,885).

17. Claim 18 discusses the system of claim 1, wherein the payment processor computer provides the consumer with an option to designate a payment to be held in escrow. Claim 1 has been rejection based on the discussions above. Walker and Weatherly do not disclose the use of an escrow account. Johnson teaches using an escrow account on page 3 and lines 56-61 of the specification, "Independent escrow companies typically require credit card payments, which payments are held in escrow pending release of a timed contingency or by a specific action by the purchaser." Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use an escrow account to provide ease of use, security and to positively identify the customer.

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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PRIMARY EXAMINER